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(Original Signature of Member)

113TH CONGRESS  
2D SESSION

**H. R.** \_\_\_\_\_

To direct the Secretary of the Treasury to establish a program to reimburse States and political subdivisions of States for expenses related to the presence of aliens having no lawful immigration status, and for other purposes.

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IN THE HOUSE OF REPRESENTATIVES

Mrs. ELLMERS introduced the following bill; which was referred to the Committee on \_\_\_\_\_

\_\_\_\_\_  
**A BILL**

To direct the Secretary of the Treasury to establish a program to reimburse States and political subdivisions of States for expenses related to the presence of aliens having no lawful immigration status, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Accountability in For-  
5 eign Aid Act of 2014”.

1 **SEC. 2. REIMBURSEMENT FOR STATES AND POLITICAL**  
2 **SUBDIVISIONS.**

3 (a) **IN GENERAL.**—The Secretary of the Treasury  
4 shall establish a program for the purpose of reimbursing  
5 States, and political subdivisions of States, for expenses  
6 required to be incurred and related to the presence within  
7 the geographical area of the State or political subdivision  
8 of aliens having no lawful immigration status in the  
9 United States.

10 (b) **EXPENSES DESCRIBED.**—The expenses described  
11 in subsection (a) shall include expenses such as the fol-  
12 lowing:

13 (1) Public elementary and secondary education.

14 (2) Incarceration and detention.

15 (3) Public benefits described in section 411(b)  
16 of the Personal Responsibility and Work Oppor-  
17 tunity Reconciliation Act of 1996 (8 U.S.C.  
18 1621(b)).

19 (c) **EXCEPTIONS.**—Expenses are not reimbursable  
20 under this section if the Secretary of the Treasury deter-  
21 mines that—

22 (1) the State or political subdivision has failed  
23 to submit sufficient documents, statements, or  
24 records necessary to support the request for reim-  
25 bursement;

1           (2) the State or political subdivision otherwise  
2           has been substantially compensated for the expenses;  
3           or

4           (3) such compensation will be forthcoming in a  
5           reasonable period of time.

6           (d) PUBLIC ELEMENTARY AND SECONDARY EDU-  
7           CATION.—

8           (1) IN GENERAL.—Compensation for a local  
9           educational agency under subsection (b)(1) shall be  
10          based on—

11           (A) the number of children having no law-  
12           ful immigration status in the United States who  
13           were in average daily attendance during the  
14           preceding school year at the schools of such  
15           agency and for whom such agency provided a  
16           free public education; multiplied by

17           (B) the average per-pupil expenditure of  
18           the State in which the local educational agency  
19           is located.

20          (2) DEFINITIONS.—For purposes of this sub-  
21          section, the terms “average daily attendance”, “av-  
22          erage per-pupil expenditure”, “free public edu-  
23          cation”, and “local educational agency” have the  
24          meanings given such terms in section 9101 of the

1       Elementary and Secondary Education Act of 1965  
2       (20 U.S.C. 7801).

3       (e) INCARCERATION AND DETENTION.—Compensa-  
4       tion under subsection (b)(2) shall be the average cost of  
5       incarceration of a prisoner in the relevant State, as deter-  
6       mined by the Attorney General.

7       (f) APPLICATIONS.—

8               (1) STATE APPLICATIONS.—A State desiring to  
9       receive reimbursement for expenses required to be  
10       incurred by the State and related to the presence  
11       within the geographical area of the State of aliens  
12       having no lawful immigration status in the United  
13       States shall submit an application for such payment  
14       to the Secretary of the Treasury. Such application  
15       shall be submitted not later than September 30 of  
16       each year.

17              (2) LOCAL APPLICATIONS.—A political subdivi-  
18       sion of a State desiring to receive reimbursement for  
19       expenses required to be incurred by the political sub-  
20       division and related to the presence within the geo-  
21       graphical area of the political subdivision of aliens  
22       having no lawful immigration status in the United  
23       States shall submit an application for such payment  
24       to the State. Subject to verification (as determined  
25       necessary by the State), the State shall include such

1 local expenses in the State application submitted  
2 under paragraph (1). The Governor of the State  
3 shall establish deadlines for the submission of local  
4 applications under this paragraph, and shall dis-  
5 tribute all funds received from the Secretary of the  
6 Treasury on behalf of a political subdivision of a  
7 State to the political subdivision.

8 (g) INSUFFICIENT APPROPRIATIONS.—

9 (1) IN GENERAL.—If the amount made avail-  
10 able to carry out this section for a fiscal year is in-  
11 sufficient to pay the full amount determined by the  
12 Secretary of the Treasury to be due to all States for  
13 the year, the Secretary shall ratably reduce the pay-  
14 ment to each State.

15 (2) RESUBMISSION.—If a State or political sub-  
16 division of a State does not receive reimbursement  
17 for any expense due to a reduction made under  
18 paragraph (1), the State or political subdivision may  
19 resubmit documentation for the succeeding fiscal  
20 year demonstrating the validity of the claimed  
21 amount and that the amount has not yet been reim-  
22 bursed from any other source.

23 (h) CONFIDENTIALITY OF INFORMATION.—

24 (1) IN GENERAL.—In carrying out this section,  
25 the Secretary of the Treasury shall not—

1           (A) make any publication whereby the in-  
2           formation furnished by any particular alien can  
3           be identified; or

4           (B) permit anyone other than the sworn  
5           officers and employees of the Department of the  
6           Treasury to examine individually identifiable in-  
7           formation.

8           (2) IMMIGRATION OFFICIALS.—Except as pro-  
9           vided in this subsection, the Secretary of Homeland  
10          Security, the Attorney General, the Secretary of  
11          State, any other official or employee of the Depart-  
12          ment of Homeland Security, the Department of Jus-  
13          tice, or the Department of State, or any bureau or  
14          agency thereof, shall not use information collected or  
15          furnished in support of requests for reimbursement  
16          under this section for any purpose.

17          (3) REQUIRED DISCLOSURES.—The Secretary  
18          of the Treasury shall provide the information fur-  
19          nished under this section, and any other information  
20          derived from such furnished information, to a duly  
21          recognized law enforcement entity in connection with  
22          a criminal investigation or prosecution of fraud or  
23          other malfeasance under this section, when such in-  
24          formation is requested in writing by such entity.

1 (i) VERIFICATION OF IMMIGRATION STATUS OF  
2 ALIENS.—Notwithstanding any other provision of law,  
3 when used for purposes of establishing or demonstrating  
4 eligibility for reimbursement under this section, the head  
5 of each State or local public agency that incurs costs in  
6 connection with a benefit or service provided to an alien  
7 may use the immigration status verification system of  
8 such agency or the Systematic Alien Verification For Enti-  
9 tlements Program (SAVE) of the Department of Home-  
10 land Security to determine the immigration status of such  
11 alien.

12 **SEC. 3. TRANSFER OF FUNDS.**

13 15 percent of any discretionary amounts made avail-  
14 able for each of fiscal years 2016 through 2021 for the  
15 Department of State, Foreign Operations, and Related  
16 Programs (other than amounts made available for “Bilat-  
17 eral Economic Assistance—Funds Appropriated to the  
18 President—Global Health Programs” and “Department  
19 of State—Nonproliferation, Anti-Terrorism, Demining  
20 and Related Programs”) for foreign assistance shall be  
21 made available to the Secretary of the Treasury to carry  
22 out section 2 of this Act for a 90-day period beginning  
23 on the date of the enactment of each Act appropriating  
24 such amounts.